



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

## MINUTES

### CHARTER REVISION COMMISSION (as amended)

**October 7, 2008**

#### **I CALL TO ORDER**

Commissioner Bafundo called the meeting to order at 6:33 PM in the Council Chambers of the Newington Town Hall.

#### **II PLEDGE OF ALLEGIANCE**

#### **III ROLL CALL**

##### Commissioners Present

Nancy Bafundo – Chair  
Tony Boni  
Peter Boorman  
Robert Briggaman  
Alan Nafis

##### Also Present

Tanya Lane – Town Clerk  
Ben Ancona – Town Attorney

(Note: Verbatim comments indicated by *italics* unless otherwise noted.)

#### **IV PUBLIC PARTICIPATION**

Michael J. Fox, 1901 Main Street: Mr. Fox stated that he has attended or watched most of the meetings and remarked that he gets the impression that what he is saying falls on deaf ears. He commented that there are three members on the Commission that he respects but he feels are on the Commission for one reason: to institute a budget referendum. He commented that if the budget referendum is going to happen then the Commissioners will need to work on the wording regarding how it will be done, the minimum number of voters required, whether property owners that are not registered voters will be allowed to vote and many other details that need to be taken into account. Mr. Fox stated that he feels the Commission is trying to push it all through without discussion. He indicated that there are other people who feel this way despite the fact that not many people attend the Commission meetings. Mr. Fox also requested that the Commission separate the Fire Marshall position from the Fire Chief position to avoid the conflict of having one person serve in both positions. He noted that the Commission had requested input from Fire Department members and noted that he has spoken to many members himself but has not received much of an answer. He stated that most firefighters join the Department to fight fires, and the number one priority is to keep the Town safe and noted that many members do not want to say anything in public that could be construed as being against the current Fire Chief or any Chief. He recommended, however, that the two positions be held by two separate people. He noted that there are nearby towns that prohibit the two positions from being held by the same person. He thanked the Commission for its efforts.

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen commented on the following Charter sections:

- Section 205: In the past people voted on voting machines. Now people vote ballots and insert the ballots into voting tabulators. On the next to last line, the word "follow" should read "follows".
- Sections 407 and 812: Section 812 authorizes, by resolution, notes in anticipation of taxes (comment not audible on tape due to background noise) while section 407 authorizes the Council to authorize bonds and notes by resolution but with the public hearing formality of an ordinance. The next sentence, which exempts notes in anticipation of taxes from a public hearing, should not be deleted. (comment not audible on tape due to background noise) (*Clarified at 10/27/08 meeting*)
- Section 603: The last sentence should read "*with the concurrence of the majority of the full member Board of Trustees*" rather than leaving it up in the air. *What is the majority if you don't know the total?*
- Section 611: The language should refer to the *Library Board of Trustees* because that section starts off *talking about members of commissions*.
- Section 708: Department of Human Services: It would be clearer if the word "and" is inserted in the third line to read "*all forms of public assistance and social and youth services*".
- Section 821: Did we ever find out the meaning of the term "real dollar value"?

Mrs. Cohen noted that the Commission is proposing drastic changes to a budget system that has worked well for the Town for forty-two years. She stated that even Dom Mazzoccoli, a strong proponent of the budget referendum, stated, "Newington is one of the best managed communities in the area and that all comes down to fiscal planning." Mrs. Cohen stated that the Commission should be spending time analyzing what is being proposed. She inquired whether the Commission has even thought about what would happen if what has been proposed doesn't work and inquired whether the Commissioners even care about what former Town Managers and former Mayors have to say. She stated that the Commission has chosen to pick and choose which of the Finance Director's suggestions to address and which to ignore. She inquired as to how the Commission can even think of forwarding this to the public when it has given the public no explanation why it is supporting this particular version and all its parts. Mrs. Cohen remarked that if the Commission chooses to go with a budget referendum there are many different approaches possible and remarked that the members of the Charter Commission have a great responsibility.

Kristine Nasinnyk, 50 Theodore Street, Town Councilor: Mrs. Nasinnyk stated that she has attended, watched or read the minutes of all of the Commission meetings. She supported Mrs. Cohen's statements inviting people to come before the Commission to express concerns about an automatic budget referendum. Mrs. Nasinnyk noted that the Town of West Hartford is holding another vote on its budget that same evening (October 7) and indicated that the vote on the West Hartford budget failed in June. She noted an article in the Hartford Courant about two West Hartford families, one a young family with children and one an elderly retired couple. She stated that even the elderly couple wanted to have the taxes reigned in but did not want to cut education spending. Mrs. Nasinnyk remarked that she does not know how the Commission can craft a budget referendum that understands what the people of Newington want out of their taxes. She commented that the Charter was basically opened up for the question of the budget referendum. She also stated that she was upset to read in the minutes of the previous meeting that there was a document that was *touted as being signed that this is what the goal is – to go ahead and have this budget referendum. Also in that statement, when I read the whole statement, it said that the group that signed it were also independent thinkers and I hope that there are independent thinkers on this Commission and you will look at all sides of the issue.* Mrs. Nasinnyk stated that she feels bad for the people of West Hartford because if their budget does not pass with this vote they may have to close a fire house. She noted Frank Connolly's previous comments that a referendum does not vote on a budget; it votes against taxes. She stated that she is against an automatic budget referendum, but if it is going to happen she urged the Commission to create safeguards to assure that the Town understands what the voters want and what they don't want. She stated that just a "yes" or "no" does not answer the question.

Sue Reniewicz, 82 Stuart Street: Ms. Reniewicz indicated that she is a thirteen-year employee of the Town working for the Fire Department/Fire Marshall. She commented that she takes great exception to the fact that someone has decided, thirteen years into the position, that Chief Schroeder and Fire Marshall Schroeder should have his responsibilities split. She stated that as Fire Marshall he has specific duties on a fire scene; and explained that once the fire is out he determines the origin, the cause, and other details regarding the fire. She stated that if he responds to a scene as Chief, the command is transferred so that he and his staff can perform preliminary work and the fire is suppressed and knocked down. Ms. Reniewicz stated that anyone who knows anything about Mr. Schroeder knows that he is an extremely good manager who does not let one job overlap into the other, and stated that he keeps excellent records. She remarked that when Mr. Schroeder

was appointed by the Board of Fire Commissioners, then-Chairman Callahan had the good sense to check with the State Fire Marshall's office in reference to any possible conflict and the State found that there was no conflict. She stated that there are no problems with the Fire Department or the Fire Marshall's office and stated that they are both extremely well run. Ms. Reniewicz noted that Connecticut currently has twenty-five towns of size that have the same situation as Newington - including West Hartford in which Mr. Bill Austin serves as the Fire Chief, the Fire Marshall and the head of Emergency Management for the State. She noted that the Towns of Enfield, Groton, Milford, New Britain, and Norwich have the same situation as Newington. She stated that this has never been an issue and inquired why it has become an issue at the present time. She remarked that the motivation is from something other than fact. Ms. Reniewicz stated that *I think that congratulations need to go to Chairman Bafundo because number one, this isn't an issue that is handled by Charter revision. This is something that falls within the dictates of the Board of Fire Commissioners. By using the common phrase "if it isn't broken and it's working well..." then why are we going out of our way to fix it? We have an excellent Fire Marshall and we have an excellent Fire Chief, and I hope that because of the bargain that it is... that he does an extreme amount of work, he gets compensated by the Town for being the Fire Marshall but he receives nothing other than the usual stipends for being the Fire Chief and he does a great deal of work and puts in a great deal of time to do his job well. I don't think anyone who has half a brain would question his abilities. Thank you.*

Sandy Lallier, 27 Elton Drive: Mrs. Lallier agreed with Ms. Reniewicz's comments regarding the Fire Marshall/Fire Chief. She stated that she has lived in Town for twenty-one years and indicated that the Fire Department is top notch. She stated that she has seen incidences on her street in which the response from the Fire Department was immediate, professional and relieved the concerns of the people who called for help. Mrs. Lallier stated that the two positions do not need to be addressed in the Charter and urged other members of the public to come out and speak to the Commission. She stated that she has also spoken to many people about the budget referendum and stated that she believes the referendum will be added to the Charter. She indicated that she had asked the Mayor whether Newington citizens will actually have the choice as to whether or not the referendum will be in the Charter and indicated that she had received the same response as usual – that that public will get to vote on *something*. Mrs. Lallier stated that she assumes that the vote will be on the final format of the Charter. She stated hope that the public could persuade the Mayor and the Commission to not even include a budget referendum in the Charter and stated that a budget referendum does not need to be in the Charter. She stated that the public needs to see the discussion and the debate on the topic, and stated that the whole point of debating is to come to a compromise that everyone can live with. She expressed frustration with hearing the Republican Party state that they are following through with a promise that they made to the Town and stated that she doesn't believe that this is the correct channel to flaunt the promise to the Town. She commented that the Republicans are using the Charter as a way of proving that they are doing what they promised and stated that the *Charter has no place amongst what it is they want to do for Newington. People voted them in for change, for lower taxes. The Mayor said time and time again "three-percent, three-percent, that's what we promise, that's what we are going to give them". I think they should just ride on that platform and if they can't deliver then they should be voted out by the citizens of Newington.* Mrs. Lallier stated that ninety-percent of the people she has talked to are in favor of a budget referendum and are in favor of having it in the Charter, but noted that those same people have not been to a Town Council meeting and may not even know what the Charter Revision Commission is doing. She implored the Commissioners to debate and argue whether it is really appropriate to place a budget referendum in the Charter. She stated belief that the power of the people is in their vote when they vote for the Mayor and the Council and when they put their faith into what these leaders can do. Mrs. Lallier noted that Mrs. Cohen always has excellent suggestions and even if those suggestions are not always correct they should be listened to and considered as they come from the voice of experience. She stated that she already has a very busy schedule and would not have time to consider the Town's budget on top of everything else she has to do, and stated that she and most other Town residents do not know enough about the Town's budget to make an informed decision. She stated that if any party produces a budget that is so outrageous then the people would revolt and would make their voices be heard. She stated that giving the people the vote on the budget is not giving them power; it is instead taking the blame off the people that don't want to exercise the power they have. Mrs. Lallier stated that the cost of a budget referendum is *ridiculous* and suggested that the Mayor reconsider how to stick to the three-point pledge. She urged the Commission give serious consideration to wording regarding the budget referendum if it decides to include the referendum in the Charter. She remarked that opening up the Charter in a couple of years if the Town does not like the budget referendum is ridiculous and a waste of time and money. Mrs. Lallier stated that she is against the budget referendum and stated that she has been telling people about it, as

most voters have no idea about the implications of a budget referendum. She implored Mayor Wright to consider the legacy he wants to leave to this Town other than just being the boss.

Rose Lyons, 46 Elton Drive: Ms. Lyons stated that she has attended most of the Commission meetings and is still unclear about whether the public will have the opportunity to vote on having a budget referendum as part of the Charter or whether the vote will just be on the new Charter as a whole. She stated that she is not sure whether the public understands what is going on. She stated that she understands the Charter revision process up to the point of the public vote on the Charter and again inquired whether she will have a choice about the budget referendum as part of the total Charter revision. Ms. Lyons stated that if an automatic referendum is added to the Charter then the referendum would occur when there is more than a three-percent increase and inquired when voters would have the opportunity to look at the line items in the budget to help decide on the budget. She inquired whether there will be choices to make regarding budget items or whether the vote will be a simple "yes" or "no" on the percentage. Ms. Lyons noted that she had been told that she can attend Town Council meetings to ask questions about the budget but noted that the Council does not reply to public participation comments until much later in the meeting if at all. She inquired as to who will answer the residents' questions about the budget and why certain items are in the budget. She inquired whether voters will have a choice as to what is cut out of a budget. She stated that there are many variables that she doesn't understand.

## **V MINUTES**

### **A 9-25-08 Meeting**

Commissioner Briggaman noted that his comments under section 814, "Commissioner Briggaman indicated that Rocky Hill currently has a \$150,000 limit and Wethersfield has a \$200,000 limit "should have pertained to section 408.

Commissioner Briggaman noted that on the bottom of page 7 the phrase "Tow Attorney" should read "Town Attorney"

Commissioner Nafis requested to add the phrase "As a resident of Newington these statements are my own opinion." under Carol Anest's public comments as stated on page 15 of the minutes. Commissioner Nafis indicated that this request is due to the fact that during the comments by commissioners portion of the agenda Mayor Wright identified her as Democratic Party Chair and she was not commenting in that capacity, she was commenting as a private citizen.

Commissioner Boorman moved to accept the minutes as amended. Motion seconded by Commissioner Boni. Motion passed 5-0.

## **VI MATTERS TO BE CONSIDERED**

Commissioner Nafis requested to discuss agenda item VII-A, Review. Discussion re; Schedule of Future Meetings prior to discussing agenda item VI. The Commissioners agreed by consensus.

Commissioner Nafis inquired how long the Commission has to get to the point of public hearing. Commissioner Bafundo indicated that the Commission has worked through the Charter at least once, but indicated that there is still to be some significant discussion on the budget referendum and there are still several questions to be answered. She noted that the Commission has a deadline of April (2009) but stated that the Commission does not want to get to April, nor does it want to worry about winter weather. She stated that the Commission needs to have time to get the revisions to the Town Council. Commissioner Nafis inquired whether there is a date that the Commission is aiming for in regards to the public hearing and inquired whether the current agenda item is to discuss the public hearing date or to discuss the meeting schedule going forward. Commissioner Boorman stated that he has had some of the same concerns regarding the time table and remarked that the Mayor has pushed to have a public hearing *next week*. He stated that he has a significant problem with that because the Commission does not have a finalized document to work with. He stated that the Commission cannot go to public hearing when it has not agreed what to even put into the document. Commissioner Boorman stated that the Commission has gone through the Charter once but commented that the Commission will need to review the Charter at least once more and perhaps twice more

before he would be ready to hold a public hearing. He noted that the Commission sent Atty. Clark away from the last meeting with at least ten items to investigate, and noted that the Commission is awaiting answers to those items. He stated that the Commission should not even discuss a public hearing date at the present time because it is not prepared to do so yet. Commissioner Boorman stated that the Commission has made significant progress to this point, and stated that it is foolhardy to rush the process. He stated that the Commission is wordsmithing and it is the Commissioners' job to make sure that the language is correct. He noted that some people have alluded that certain members of the Commission have tried to slow the process down and stated that nothing could be further from the truth. He remarked that the Commission has been charged with putting together a document and doing it the correct way and remarked that he is not interested in *ram-rod[ding] something through here that doesn't make sense*. Commissioner Boorman indicated that there are typographical and contextual errors in the latest version of the revisions document and stated that the Commission cannot put that forward for public hearing if it isn't even what the Commission spoke about at the prior meeting. He stated that the public hearing date should not be scheduled until the Commission has thoroughly gone through the Charter. He noted that the Commission can also schedule a public hearing on a particular topic if desired. Commissioner Bafundo stated that she doesn't believe that such a message had been sent from the Chair of the Commission. Commissioner Boorman stated that his comments pertained to the Mayor, not to the Chair. Commissioner Bafundo stated that her purpose in scheduling has been to keep the process moving, not to turn out a shoddy product. She agreed that there are some corrections that need to be made to the current revision, but stated that it is a good first revision to work with. She stated that she wants to be careful with the upcoming holidays and the turnaround time with the Council, especially if the Council rejects the amendments. Commissioner Bafundo stated that if the Commission submits the revisions to the Council in January and the Council rejects it and it comes back to the Commission in February it could be cutting it close to the window. Commissioner Boorman noted that some had suggested meeting weekly or meeting three weeks in a row and remarked that doing so would be counterproductive for both the Commission and the staff in terms of preparing for the meetings, reviewing the minutes, and coming up with language. He recommended that the Commission remains on a bi-weekly schedule, and stated that if there is a true time crunch and a good reason the Commission could add meetings as needed. He stated that no one has given him real reason to add additional meetings at this point. Commissioner Bafundo stated that the Commission will need to reevaluate its progress and stated that there is no need to schedule additional meetings at this point.

Commissioner Boorman noted that he will be out of state for the October 23 meeting. The Commissioners discussed alternate dates to reschedule the meeting and agreed to cancel the October 23 meeting and reschedule it for Monday, October 27.

Commissioner Bafundo stated that the Commission is not ready to schedule the public hearing but stated that the Commission is moving forward. She remarked that no one is going to compromise the integrity of the document to meet anyone's perceived deadline. Commissioner Nafis stated that the Commission should understand the goal and should work backwards from the deadline. Commissioner Briggaman requested to have a schedule of preliminary goals and the dates needed to accomplish the goals so that it does not fall behind. Commissioner Bafundo asked Town Clerk Tanya Lane to put together such a schedule.

A Discussion – as time allows, Proposed Language for Charter Revision, re: Budget Referendum

Commissioner Nafis stated that while the Commission has worked very well together for the rest of the Charter revision process he is disappointed with the process and discussion regarding the budget referendum. He stated that he had visualized having a good discussion about why the Town needs a budget referendum, what is wrong with the way the Town handles its budget now, the different types of referendums, and how the Commission might make it work. He noted that there have been many speakers that have come before the Commission to warn it about many different items and to warn the Commission to be careful moving forward with a referendum. Commissioner Nafis stated that rather than having these discussions, four Republicans, two of which are office holders, ~~presented~~ **praised** a document that they said *is a wonderful document, is going to change the world, will be picked up by everybody, and quite frankly we were told that if we didn't get behind it we would be playing partisan politics*. Commissioner Nafis remarked that it was discouraging to get it that way, and noted that he had no idea what document they were talking about when they did that, and noted that it was emailed to him two days before that meeting which didn't leave much of a chance to review the document prior to the meeting. He noted that at the next meeting two weeks later there was a motion to put the document into the Charter, with some discussion, and then the Commission voted to put it into the Charter.

He stated that this was not the way he had envisioned the process and stated that there is much more discussion to be had for the Commissioners' benefit and for the benefit of those watching the meeting. He stated that he has a number of motions to make and a number of changes to be made to the referendum document.

Commissioner Nafis moved to *remove section 821 from the Charter and all references in other sections of the Charter that relate to that, and then we have a discussion about how we should advance with that.* Motion seconded by Commissioner Boorman.

Commissioner Nafis explained that he sees this particular mandatory budget amendment as a tax cap and he stated that many people in the audience have also noted that it is an attempt to cap taxes. He stated that while people have said that if the mill rate goes above three-percent then the people have a choice but remarked that the choice is really very limited. He noted that the budget does not go to referendum unless the increase is more than three-percent, which assumes that the Council can only do a good job up to the three-percent limit and then we can't trust them anymore to take care of the budget. He stated that if the Town is having the budget referendum because it doesn't trust its elected representatives to handle our budgets and to assure that the Town gets what it needs at the best possible prices, how can we *expect them to convince people that we need a higher budget when we are sitting here right now saying that we don't trust them to do that.* Commissioner Nafis noted the question of what information the Town is going to give to the people. He stated that tax payers will know the tax increase and the budget increase but stated that there isn't any information about how the money is being spent. He remarked that an important part of the equation is that the need for taxes is generated by the need to do spending. He stated that while you may be able to vote on the first budget without having some idea of what's in the budget because you might already know, but when it comes to the second vote, unless you know what is coming out you are just voting on numbers. He noted Frank Connolly's statements that people vote on tax increases, not on the budget. Commissioner Nafis stated that the package is set up as a tax cap and is set up to fail for anything over three-percent. He remarked that a tax cap is not a good idea, as the Charter should not take the flexibility out of the hands of those who try to run this Town efficiently and effectively. He stated that tax caps set up a number of scenarios – none of which are very good. He stated that as an administrator if he is capped and he sees that he will need some money down the road he might get the budget up higher the first year, and might spend more than anticipated just to protect the people and the services. He stated that another problem with tax caps is that they tend to make the Town use gimmicks to make things neat and to make the costs and budgets come together, and remarked that gimmicks will come back to bite the Town at the end because they create holes in the budget and can result in losses in services. Commissioner Nafis stated that if the people vote against a 3.5% increase and the Town cuts the garbage collection service to get the budget down to 3% then people will realize that it is going to cost more to pay for individual garbage collection than if it was in the budget. He stated that *the whole aspect of this particular mandatory budget referendum I think is not the right way this Town wants to go. I'm not going to sit here and say I am in favor of budget referendums. I could certainly live with some of them but I don't think this is one of them. I think there are a lot of flaws in this one. I want to add that something that really kind of shakes me up a little- when we have the Mayor come to us, and I know he didn't send it to us, but I think he helped to author this proposal, but he's been before us twice now and said "let's try it and if we don't like it in two years we'll come back and change it." When I started this position one of the first things I said was I want to end up with a document that ten-fifteen years down the road people will say that these people were thinking about what they did, and it's a good Charter. Then the person that gives us the section for budget referendum comes up and tells us "well, if we don't like it in two years we can change it". I just don't get confidence with that kind of attitude and I would hope that we would think about discussing it a little bit more that if we are going to have a budget referendum in the Town of Newington that it would be something a little bit more palatable, something that might be a little less dangerous for the Town.* Commissioner Nafis stated belief that tax caps affect bonding abilities because of the particular gimmicks that can be used to make the budget work. He recommended that the Commission discuss this further and stated that even if it ends up with the same product at least we talked about it and thought about it.

Commissioner Bafundo stated that as Chair she tends towards being neutral in order to allow members of the Commission to have the opportunities to have dialogue - not to fight or argue but to disagree respectfully. She stated that she does not believe that comments or questions from the public have ever fallen on deaf ears. She stated that all Commissioners bring some expertise to the table, and hers is her experience on the Town Council. She stated that while she came into the Commission as a Republican member she had not come in committed to having a budget referendum. Commissioner Bafundo commented that the process of introducing

the language, discussing and voting on the proposed referendum language has been convoluted, but noted that it is here and it needs to be addressed and discussed. She stated that she did a lot of research and diligence about budget referendums and the different types of referendums and stated that based on that research her opinion tends to favor the language currently in front of the Commission for many reasons. She stated that having served on the Council for many years she understands that the main priority of the Council is to set policy and prioritize the Town projects to keep the Town moving, to collaborate with other Towns and to keep the Town safe. She stated that part of that has to do with how to set the mill rate and the taxes. Commissioner Bafundo stated that a main topic of discussion among people over the past weeks and months is the economy. She noted that people don't have the money that they used to, and remarked that while people don't turn out at Commission meetings she has received phone calls and talked to many people who have told her that they can't afford certain things. She stated that the Council wants to do good things for the Town but in order to do so it has to raise taxes. She remarked that as a Republican she is fiscally conservative and does not believe in big government but remarked that there are services that the Town needs to provide. She also noted quotes from older relatives such as "if you don't have the money don't buy it" and "He who pays says". She noted that the taxpayers pay and that's why the taxpayers have the right to vote. She noted that while the people have the right to vote every two years for Town Councilors there are not a lot of people to vote for and many of the same people run for every election. She stated that with an automatic referendum people do get to vote every year on their taxes which gives them some say. She noted that people know how much they can afford to pay on their tax bill and unfortunately this means people will have to wake up a little. She stated that a three-percent tax cap and an automatic referendum will give the taxpayer an opportunity to get involved and decide whether to support the tax rate and stated that it will make people become more aware of what is going on in their Town. She stated that Councilors should be answering the public's questions and noted that when she was on the Council it did answer people's questions. She stated that if the increase needs to be more than three-percent then the Council will have to effectively communicate that need. She stated that things do happen and *that's what the gloom and doom, the sky is going to fall and our leaves aren't going to get picked up and our kids are going to have class sizes of forty.... Well I hope the spin masters out there aren't doing that because this year it didn't go up and our class sizes didn't double and the schools aren't falling apart and our leaves are going to get picked up this fall. So just because you don't increase the tax rate or the mill rate that much doesn't mean that services aren't going to happen, because everyone is in it for the good of the Town.* Commissioner Bafundo indicated that the Commission will need to discuss the proposed language to make sure it is understandable and clear. She stated that the Commission is listening to the people, and stated that while she does support the language, the Commission will continue to talk about it.

Commissioner Briggaman stated that a year ago he was out at the grass roots level to elect Mayor Wright. He noted that he knocked on a lot of doors and heard from many people who were really disgusted with the budget increases of seven to eight percent year after year. He stated that he spoke to retirees and people on fixed incomes that stated that they could not afford the taxes anymore and questioned whether they could even afford to stay in this Town. He remarked that people were enthusiastic about the idea of a budget referendum and stated that in his opinion Mayor Wright was elected because of the pledge, the three-percent cap and that he was going to institute a budget referendum. Commissioner Briggaman stated support for the budget referendum. He stated that there could be some changes in the wording to clarify some portions of the language. He suggested that the Commission gather Mrs. Cohen's comments to see which are appropriate and to determine where to make changes.

Commissioner Boni stated that either you believe in a budget referendum or you don't and stated that he has been in favor of the referendum from the beginning and stated that he has come before the Council for the past several years to speak about tax increases and to ask why taxes were going up seven to eight percent and to ask why the Town couldn't keep expenses down just like any company does. Commissioner Boni noted comments from the former Board of Education Chair that a three-percent cap would cause the Town to lay off a hundred teachers, cut the Meals on Wheels program, etc and stated that none of that happened. He stated that the Board of Education was very happy with the most recent budget and noted a sign in front of NHS thanking the Council for what it gave this year. He stated that he is happy with the budget referendum as it is currently worded and stated that he is willing to discuss anything that needs clarification.

Commissioner Boorman stated that people have asked whether anyone is going to listen and noted that what the people have heard from the three Republican Commissioners is that they are going to vote for referendum and as the last Republican speaker stated *it doesn't matter what anybody says we are going to vote for it.* Commissioner Boni replied that he did not make such a statement. Commissioner Boorman stated that his

concern is with the basis of those decisions and indicated that the previous speaker's comments about the sign in front of NHS was not to thank the Council for the budget, it was to thank them for giving the Board funds to build a field house. He stated that there are a lot of things that people don't have enough knowledge about yet they still speak and they still vote in a way that is popular. He stated that it is hard to speak against an automatic referendum because if you do everyone thinks you are not being democratic. He remarked that it is difficult to speak against "one-person, one-vote" and stated that it is not what he is doing nor is it what others who speak against this are doing. He stated that a mandatory budget referendum puts the Town Council into a situation with a lack of flexibility. He noted that the Commission has been concerned with a lack of flexibility in every other section of the Charter, and noted that both the Commission and the Mayor have felt the need to leave the flexibility in the document and trust the Council and the department heads. He stated that with a budget referendum the flexibility is being taken out and *what we are doing is we're pandering to the voters. The bottom line is - this is not what representative democracy is. You'll hear the Mayor and other people say over and over again "what's more democratic than one man-one vote?" and I agree with that but that's not what we're talking about and it shows a lack of education and a lack of understanding about how the system works. The reason the system does work is because we have this thing called "representative democracy". That means that we vote for the people, as Myra (Cohen) has said and the others have said, that sit on the Town Council. They take into account through the administrative staff, the public, and department heads and they take into account the actual factual costs of running the Town. They decide what services are necessary for this Town. They take into account all those things, as Rose Lyons has said before, that the general public, including myself, can't do unless I sit in that chair and commit that time.* Commissioner Boorman stated that we can argue about who raises taxes and who doesn't raise taxes and who is fiscally conservative but stated that the bottom line is that the voters are going to decide what they are going to do and when they do elect people every two years they put into place those people whose philosophies they believe will be the best way for this Town to run. He stated that a mandatory budget referendum is restrictive and will eventually be something that the Town regrets. He noted that we are in tough economic times and the Town will have to tighten its belt and make tough decisions too, *but don't we want them to have that flexibility? Why do we want to tie their hands, why do we want to tie their creativity? We elect these people, let them do what they need to do and if you don't like the job they're doing then turn them out.*

Commissioner Nafis stated that his point is that if the Council comes up with a four percent budget that goes to referendum and is voted down, the Council has to cut something to get the budget down to three-percent and if they don't have to cut anything they were lying to you when they came up with the four-percent budget. He stated that people will not know what is being cut when the budget goes out for a second vote, and stated that it is important to know because a voter may think he is saving money on taxes when in fact *gimmicks that are being played in Town Hall end up costing you more because you have to go out and do something for yourself.* He stated that while the three-percent may be an average increase every year, the fact is it may not be three-percent every year and commented that the Town needs the flexibility to go with the changes. He remarked that it is more important to give the Council the ability to be flexible rather than to tie its hands. Commissioner Nafis noted Commissioner Boni's comments that one either is for or is against the referendum and Commissioner Nafis stated that while he isn't here to change anyone's mind he does feel that it is important to talk about the issues. He stated belief that the document before the Commission is a little dangerous and should be discussed. He expressed hope that the Commission could come to consensus on some of the articles within the document.

Commissioner Briggaman quoted Thomas Jefferson: *"Men, by their make up are naturally divided into two camps, those who fear and distrust the people and wish to draw all powers from them and into the hands of higher classes and those who identify themselves with the people, have confidence in them, cherish and consider them the safest and most honest if always the wisest repository of the public interest. Those two camps exist in every country, and whenever men are free to think, speak and write they will identify themselves."* Commissioner Briggaman stated that this really comes down to the heart of it – do we trust the people to vote their conscience on the budget and do we just leave it up to the Council for the final say or do we allow the people to have the final say on what they want. Commissioner Boorman replied that Thomas Jefferson believed in representative democracy and noted that Jefferson never advocated that people vote on the budget for the federal, state or local governments and stated that no one distrusts the people in terms of participating in the electoral process. He stated that *what you confuse, and again this lack of information, this lack of basis that is so dangerous to this process, the simplicity that you give to these things, is the thing that ties the hands of those people that have to make these decisions. So, once again, as speakers have said to us – we understand math. We understand that there are three of you and two of us... and in answer to one of*



*the questions of one of the public participants, the Mayor does not vote here. He is welcome to attend under our current Charter and he is welcome to participate but he doesn't vote here. We know how to do math and we know from the Mayor's comments as well as the from at least one of you that signed the pledge relative to the referendum that before this process ever started at least some of you had made up your mind that you were going to do this. Unlike that attitude coming into this process, neither myself nor Alan (Nafis), the Democratic representatives, had indicated that we'd be automatically opposed to referendum.* Commissioner Boorman stated that both he and Commissioner Nafis have expressed severe concern relative to a mandatory referendum and noted that the motion on the table is to remove a mandatory referendum. He urged the Commission to talk about other ways to have a referendum, to find some consensus, and to make it more permissive. He stated that he will be looking to move in that direction during the discussion on the referendum. He commented that there is a way to reach across the aisle in order to come to some consensus and to try to achieve the most important things for both sides. Commissioner Boorman stated concern about flexibility and not hamstringing what the people that we elect go in there to do. He also expressed concern about people not putting themselves forward to run for office if there is a budget referendum because what a referendum does is sends a message to the elected officials that the people don't trust them and because it ties the hands of the elected officials. Commissioner Boorman stated concern about the quality and level of education and expertise that the people who run for these positions will have so that Newington will have the best budget possible. He stated that *we have historically. We haven't had a mandatory budget referendum historically; that may be one of the reasons.*

Commissioner Bafundo commented that she is sad to hear comments regarding *your side and our side. That's very unfortunate because it is something that I was trying to avoid. It also saddens me to hear descriptors such as "dangerous" because now I tend to think that descriptors should be coming from your side like "restrictive" or "obstructive" and that's not where we want to go at all.* Commissioner Bafundo stated that she tends to think more along the lines of it being representative because there is more input and more involvement in the process and stated that is why she is supportive of the language. She indicated that she did think at some point there would be suggestions or amendments to language or even possibly a counter-proposal to consider and stated that she would welcome that. She noted that she had been in the minority position for a long time over the years on the Council and the various boards and remarked that she never felt like she was in a minority position. She stated hope that the Commission could move beyond this issue and reach consensus on the document.

Motion failed 2-3 (Commissioners Bafundo, Boni and Briggaman opposed).

Commissioner Boorman moved *to modify section 821 to reflect the fact that it would be a permissive rather than a mandatory referendum.* Commissioner Bafundo inquired whether Commissioner Boorman has any language available to support the motion. Commissioner Boorman replied that if the Commission proceeds past this point he would be happy to draft some language. Motion seconded by Commissioner Nafis.

Commissioner Boorman stated his motion to make the referendum permissive means that the language would indicate that *if there is indeed a movement afoot for purposes of addressing a budget that has been passed by the Council, then a period be allowed for securing signatures that would be presented to the Town Clerk and in that respect we would have a referendum on the budget based on that type of situation.* Commissioner Boorman stated that this would save the Town money versus a mandatory referendum and it also *prevents the rancor of a situation in which... when both parties do reach across the aisle as they have historically in this Town and pass budgets... typically the budgets that have been referred to before have been supported by both the Republicans and Democrats that sat on the Council. It shows the discussion and the ability to work with each other in that body and it also shows that these people that sit on the Council recognize when they have the information that is presented to them that they have to make an intelligent decision based on that information.* He stated that putting it as a permissive situation rather than a mandatory situation boosts the credibility and the importance of the office to where it should be and it really puts the onus or the burden on those who object to what the Council has done to garner the support and secure the appropriate number of signatures to bring this question before the voters. Commissioner Briggaman pointed out that the budget referendum is not mandatory and indicated that it would only be mandatory if the budget increase is greater than three-percent, Commissioner Boorman stated that the referendum would be mandatory under those circumstances. Commissioner Bafundo stated that with or without a motion this idea is welcome to be considered as an alternative. Commissioner Nafis stated support for the motion, noting the high cost of a

referendum. He stated that the people should have the choice whether or not to petition for a referendum and stated that it is a good idea to make it permissive rather than automatic.

Motion passed 3-2 (Commissioners Boni and Briggaman opposed)

Commissioner Bafundo stated that the language stands as written but that the Commission will look at alternative language when it becomes available. Commissioner Boorman replied that *that is not what we just voted on. We just voted that we will change the language from mandatory to permissive.* Commissioner Bafundo stated that she will need to reconsider her vote, as it was her understanding that the vote was not to remove the language but to allow other language to come in for consideration. Town Attorney Ben Ancona stated that the Commission should reconsider the issue and make sure that it is clear that the Chair understands what is happening. He stated that there was clearly a misunderstanding. Commissioner Bafundo stated that she will not vote for language that does not yet exist in writing. Commissioner Boorman noted that the Commission follows Roberts Rules of Orders and indicated that Commissioner Bafundo will need to make another motion if she wishes to readdress the issue.

Commissioner Bafundo moved to *readdress the language regarding the budget referendum and revert back to the mandatory language that was in place – the original section 821.*  
Motion seconded by Commissioner Briggaman.

Commissioner Bafundo stated that she made the motion because she was open to consideration of a permissive language but not in replacement of the current language until she sees proposed permissive language, and stated that she would be opposed to removing language without having proposed language available to replace it. Commissioner Boorman stated that he understands that the Chairperson made an honest mistake and stated that he has no problem with her motion on the table but requested that the Commission takes this opportunity to discuss the item. He stated concern as to whether any voting members of the Commission are going to be locked into a certain attitude towards mandatory versus permissive. He noted that Commissioner Bafundo has indicated that she has an open mind towards permissive and explained that what a permissive referendum would do is indicate that if signatures are secured by five-percent of the electors then a referendum can be put forth. He also explained that there is an initiative, which is another form of permissive nature, that states that if five-percent of electors sign a petition they could introduce a topic for referendum, *and under the current Charter you cannot do that for a budget issue but you can for other issues.* He stated that he is interested in discussing the concept and stated that he would be happy to draft permissive language but stated that he does not want to waste his time or anyone's time drafting language if there is no chance that the language will be discussed and voted on in an open-minded way. Commissioner Bafundo replied that nothing before the Commission is a final document and stated that she can't speak to what Commissioner Boorman deems to be a waste of time. She stated that she would consider permissive language but not in lieu of what the Commission already has in place at this time. Commissioner Boorman inquired as to Commissioner Bafundo's beliefs regarding permissive vs. mandatory referendums.

Commissioner Bafundo replied that *there are a variety of budget referendums out there by petition that are very cumbersome and difficult and/or jeopardize the community in how they're actualized and that's where the mandatory three-percent has been... easier... has been a better fit, if you will. But, hearing so and hearing that you'd be willing to look at what we have already modeled I would be open to look at that. I'm not locked into it 100%. But you know what, if that's how you feel about it and you are going to hold me to this language then fine. You are making it very difficult for me right now and all I've asked is to keep the language in right now and if you'd like to draft language then I would be open to looking at it. If that's not good enough then so be it, I don't know how else to say it.* Commissioner Boorman inquired whether Commissioner Bafundo has any other input regarding a permissive situation. Commissioner Bafundo replied that Commissioner Boorman offered to draft some language and she agrees to look at it and be open to it *but unless I take the language out that's there now it appears that it's off the table.* Commissioner Boorman requested an explanation of "off the table". Commissioner Bafundo replied that Commissioner Boorman is making her qualify and commit to things when she is not sure what she is committing to and she stated that she has to be very careful about that. (Several people speak at once.) Commissioner Boorman explained that he is simply requesting Commissioner Bafundo's position on mandatory versus permissive, and indicated that if her position is somewhat encouraging towards permissive then he will proceed with drafting the language for the next meeting. Commissioner Bafundo stated that she would be willing to look at permissive versus mandatory and stated *I will not be any more specific than that.*

Commissioner Boorman noted that Commissioner Briggaman has been an advocate for mandatory budget referendums in the past and noted that Commissioner Briggaman had, in the past, contemplated and started the process of a petition relative to the Town's existing Charter and was contemplating issues relative to the Town's budget. He requested that Commissioner Briggaman speak about a permissive versus automatic referendum. Commissioner Briggaman replied that three to four years ago he met with then-Town Attorney Boorman with the intention of circulating a petition to open the Charter for a budget referendum and stated that it never got to that point because of what happened in the latest election. He indicated that the petition process is very cumbersome and it puts a lot of work on a few individuals to get the proper number of signatures. Commissioner Briggaman stated that he is strongly in favor of a mandatory referendum versus a petitioned budget referendum. Commissioner Boorman noted that three to four years ago was a different regime in the Town Council then the current one that opened the Charter and noted that those two things were not necessarily connected. Commissioner Briggaman stated that he didn't follow through with the petition for a variety of reasons and noted that the results of the last election precluded his efforts. He stated that it wasn't a dead issue at that point and explained that the gentleman he was working with on the project left Town, which put a damper on the process. He stated that while he didn't pursue it after that it never left his mind and he had planned on revisiting the issue when the time was right and noted that with the current administration it wasn't necessary to revisit the process. He again stated that it is a very cumbersome process to collect signatures and stated that it puts a burden on a very few people in order to have a budget referendum. Commissioner Briggaman stated that a mandatory budget referendum would better serve the people. Commissioner Boorman inquired that if Commissioner Briggaman was doing this three or four years ago and there were only one or two people doing it whether that indicates that there was not much of a groundswell for having a budget referendum. Commissioner Briggaman replied that he did not survey anyone else; it was just the two people looking at what was happening in Town and looking at what they felt were excessive tax increases. He stated that he and the other gentleman sat down and put a lot of work into it, ran the petition wording by the Town Attorney to make sure it passed legal muster, then Town Attorney Boorman reviewed the wording and made suggestions and then the other gentleman left Town at which point he never continued with the process. Commissioner Briggaman noted that the idea never left his mind and he even drew up bylaws for a citizens' group. Commissioner Boorman inquired about the citizens group. Commissioner Briggaman replied that the citizens' group was to be a watch-dog relative to a number of issues including a budget referendum. He noted that the group would have been called Newington Citizens for Responsible Government. Commissioner Boorman stated that those groups exist in other towns and are active in the budgetary process. Commissioner Boorman inquired whether it is better to set up a situation in which the burden is on the Town to hold an annual mandatory automatic budget referendum or whether it is better for those that feel disaffected some how to have the burden to go out and convince people that we need to take action. He stated that the way Commissioner Briggaman *talks about it, you didn't have much support for doing that, so you found it difficult to get signatures*. Commissioner Briggaman replied that he didn't get to that point and stated that *as I said, we were drafting the language for the petition and then the other gentleman left. It wasn't a case of having a hard time getting the signatures; we just were not at that point yet. We hadn't even recruited people to gather signatures. I couldn't address whether it would have been difficult to get signatures. I don't think it would have been but I don't know*. Commissioner Boorman inquired that if it is not difficult to collect signatures then would it be possible for Commissioner Briggaman to support a permissive referendum. Commissioner Briggaman stated that he does not have any facts to go on to determine whether or not it would be difficult. Commissioner Boorman indicated that he is inquiring more about the concept of permissive referendum rather than the facts. Commissioner Briggaman noted that the Town is lucky just to get 40% of the people out to vote for local elections and stated that people just don't participate. Commissioner Boorman noted that there is even less participation at most budget referendums. Commissioner Briggaman remarked that *that is the choice of the people. They are voting on the future of their Town; it is up to them to come out and vote. If they're concerned enough on the budget then hopefully they'll come out to vote, if they don't then shame on them*. Commissioner Boorman stated if people are concerned enough about the budget then maybe they should sign a petition rather than automatically looking to go to a mandatory referendum. He inquired whether Commissioner Briggaman could support a permissive referendum. Commissioner Briggaman stated that he is in favor of a mandatory budget referendum as written in the current language. Commissioner Boorman stated that he will draft language regarding a permissive referendum in hopes that he gets a fair hearing from at least one person on the other side of the aisle. Commissioner Boorman requested that the Commission table the vote on Commissioner Bafundo's motion until the next meeting. Commissioner Bafundo declined to table her motion.

Motion passed 3-2 (Commissioners Boorman and Nafis opposed).

Commissioner Nafis noted that the second Presidential candidate debate is scheduled for that evening and requested that the Commission move along to the next agenda item. He stated that the item should remain on the agenda for future discussion. The Commission agreed by consensus.

B Discussion – as Time Allows, Review/Comparison of Suggested Amendments to Charter to Date

The Commission agreed by consensus to table the discussion on the item until the next meeting. Commissioner Bafundo inquired about Mrs. Cohen's suggestion regarding Library Directors and members.

C Discussion – As Time Allows, Follow Up on Questions Related to Other Sections of the Charter that have been Previously Discussed

The Commission agreed by consensus to table the discussion on the item until the next meeting.

**VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION**

Discussion on this item was held earlier in the meeting as indicated.

**VIII WRITTEN COMMUNICATION FROM THE PUBLIC - (none)**

**IX PUBLIC PARTICIPATION**

Myra Cohen, 42 Jeffery Lane, Town Council Member: Mrs. Cohen explained that her reference to Library members was because the section refers to members of various commissions and stated that when it comes to the Library, *it's not the people, it's the members. So unless you put the Library reference way at the end, not in the middle of where you talk about members (remainder of comment not audible on the tape)*. Commissioner Bafundo stated that it does collectively talk about the members of the Board of Trustees as a collective group but stated that it is a little confusing because it is a subset. Mrs. Cohen requested that the Commission check the statute regarding the deadline and stated as she understands it the April (2009) date is when the Commission needs to finish this phase of its work and present the work to the Council; **it is not the last date for the Charter to be presented to the voters.** (remainder of comment not audible on tape due to background noise) (*clarified at 10/27/08 meeting*). Mrs. Cohen noted that she got her start collecting signatures for the Kimberly Road issue several years ago and indicated that it is not difficult to collect signatures if people are interested and indicated that it is not difficult to get the proper wording for a petition. She also noted the petition on the referendum on Fire House #1 and stated that if people want something they will sign a petition to get to vote on it. She stated that five percent of voters are not that many signatures to collect and that should not be a reason to be disinterested in the petition process.

Sandy Lallier, 27 Elton Drive: Mrs. Lallier inquired how many signatures are required in order to have a request for a permissive referendum rather than a mandatory referendum and she volunteered to collect signatures. She stated that if people are interested people will be willing to do it. She remarked that she hopes people are watching and are becoming informed about the process. She urged the public to participate and stated that if the public is not happy with what it is going on it is time to "rally the troops" and sign a petition. She stated that the Commission is doing a good job and stated that she does not envy the Commissioners' job.

Rose Lyons, 46 Elton Drive: Ms. Lyons noted that she has been hearing more of what she wants to hear and agreed with Commissioner Bafundo's statement that *people need to wake up*. She stated that she woke up after former Mayor Mortensen's "F" grade to citizens for public participation. She noted a comment that *the opinion is that the voters feel that they aren't being listened to because they don't agree with us* and stated that she takes offense to that comment. She noted that it is quite apparent that certain people's minds are already made up both on the Commission and on the Council. She stated that she does not like that, which is why she attends the meetings – to voice her opinions. Ms. Lyons stated that she doesn't remember seeing anyone from the public saying that they are in favor of the referendum. She noted that the sign in front of NHS is a thank you to the Town Council for their support of the field house and stated that she was appalled when she watched that Town Council meeting and observed the Board of Education members in attendance pass notes

among one another while others were talking. She remarked that Board of Education Chairman Carson's main focus seemed to be on the field house that evening because as she watched on television she observed him giving a thumbs-up. She stated that she didn't hear any conversations about text books until a couple of weeks later when a friend's middle-school age son stated that he did not yet have a textbook he needed for a test. Ms. Lyons stated that she also has a problem with grants sought out by the Town for items such as artificial turf, Cedar Mountain and the center of Town and stated that residents should have a voice about which grants the Town applies for, and stated that it seems to be up to the special interest groups to decide to obtain State funds. She thanked the Commission for its efforts.

## **X COMMENTS BY COMMISSIONERS**

Commissioner Boorman clarified that Commissioner Briggaman previously went to see him regarding his petition when Commissioner Boorman served in the capacity of the Town Attorney several years ago. He noted that he never represented Commissioner Briggaman, and noted that he has represented the Town. He stated that Commissioner Briggaman came to him in regards to the language for his petition and he recommended language for the petition. He stated that he has no problem with that and indicated that he will be coming back to the Commission with language that allows for a permissive budget referendum.

Commissioner Briggaman noted that at the previous meeting Commissioner Boorman entered a Hartford Courant article by Rick Green into the record. He requested to enter a response to that article by Matthew M. Daly, the Chairman of the Constitution Convention Campaign into the record (attached). Commissioner Briggaman did not read the response at the meeting due to time constraints. Commissioner Boorman noted that the title of Rick Green's article is "Injecting Chaos Into Democracy".

Commissioner Bafundo thanked NCTV for their support and thanked Atty. Ancona and Town Clerk Tanya Lane for their support.

## **XI ADJOURNMENT**

Commissioner Boorman moved to adjourn the meeting at 8:35pm. Motion seconded by Commissioner Boni. Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan  
Clerk – Charter Revision Commission

As a clarification of my position, which was noted in Rick Green's Sept. 23 column, I offer the following:

I made it very clear (as did other speakers) that within the context of direct initiative, as a policy, it empowers citizens to petition their government on whatever issue concerns them. In essence, it lets them vote on matters such as taxes, eminent domain, medical marijuana, etc. The "no" campaign is against direct initiative and, thus, against the concept of one man or woman, one vote when voting on these various matters.

If those reading this think that Connecticut is not in need of some serious government reform and change, including amending our Constitution so that we have direct initiative as a mechanism at the statewide level, then vote no. However, if you would like your voice to be heard louder, then vote yes so we can bring direct initiative to Connecticut.

Its unfortunate, yet not surprising, that Mr. Green and the opposition somewhat improvidently continue to misread the mood of the voters. If you want real change and you want to shake up the system, vote yes for a constitution convention on Nov. 4.

*Matthew M. Daly*

[Glastonbury](#)

The writer is chairman of the Constitution Convention Campaign.

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